IN THE
SUPREME COURT
OF THE
UNITED STATES

OCTOBER TERM, 1987

United States of America, Petitioner

v.

Christine Meyer, Et al.
Mindy Washington, Teresa Galvin, Kitty
Fives, JoEllen Childers, **Pro Se Respondents**
(Case No. 87-730)

BRIEF IN OPPOSITION TO THE
GOVERNMENT'S PETITION
FOR A
WRIT OF CERTIORARI

Mindy Washington, Pro Se Respondent
Teresa Galvin, Pro Se Respondent
Kitty Fives, Pro Se Respondent
JoEllen Childers, Pro Se Respondent

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On October 29, 1987, the United States of America petitioned for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia. we now offer this Brief in Opposition to deny the Government's request of October 29, 1987.

The chronology of the instant case is a matter of record. We offer a re-telling of that chronology in our Appendix I (see Attached). Therefore, we will proceed directly with our justifications for denying the requested Writ of Ceriorari.

REASONS FOR DENYING THE GOVERNMENT'S PETITION

On Page 7 of the Government's petition, they make the assertion that, based on U.S. v. Goodwin, and the elements of plea bargaining therein, the U.S. Court of Appeals decision should be invalidated. Additionally, they allege that the defendants (now respondents) in this case always had the option of forfeiture of the fifty dollar collateral on the original misdemeanor charge.

We cannot emphasize strongly enough that the elements of plea bargaining alleged to have taken place in fact never occurred. The respondents were prepared to testify under oath at the original hearing in District Court (Sept. 11, 1985) as to the falsehood of this claim by the government (Trial Transcript, P. 17:7-23) (hereinafter TR #___:___).

It is a matter of record that Chief Judge Robinson determined that plea negotiations did not take place (US of A Petition for Certiorari, 56A), as did the Court of Appeals for the District of Columbia Circuit, in its Order of July 31, 1987, denying en banc review of this case (see Order of July 31, 1987, arguments in favor of denials of rehearing en banc, Circuit Judge Silberman, page 3; and Circuit Judge Mikva, p. 2).

As for the $50 collateral, it was never represented to the respondents that the opportunity of forfeiting the money ($50 collateral) continued to be an option whenthe respondents, elected to stand trial. In fact, attorney Ellenbogen states (TR #17, 9-11-87), that "I am aware that a number of people may have gone ahead and sent in the $50 hoping that the court would accept it and there was always the risk that the court would not and in fact, some of the defendants had their $50 collateral returned". This should make it clear that the $50 forfeiture was not common knowledge, nor an option to any and all respondents.

Since we have asserted the foregoing time and again, and since we have even offered to assert it under aoth, we therefore fail to understand the government's insistence that their version of these matters is factual. The lower courts, as well as our own testimony, and the records of this case clearly show that the government's statements as regards the $50 forfeiture of collateral are incorrect.

THE SECOND CHARGE

As can be noted in the record of the case, when respondents appeared for arraignment, they were suddenly faced with two (2) criminal counts, rather than the one (1) they had been notified of, and hence expected. The arraignment notices mailed to respondents only notified them of ONE charge, that of demonstrating without a permit (in violation of 36 C.F.R. 50.19). No forewarning of possible further charges was either stated straightoforwardly or intimated, and no plea bargaining took place before the second charge was added. (See attached copy of arraignment notice, Appendix I). Without any warning whatsoever, this second charge was added, suddenly requiring respondents to weigh the jeopardy of potential penalties now twice as severe, and prepare their defense against an unanticipated second charge. It must also be noted that the Governement has admitted that no new facts or information had been discovered which would have informed this decision that a second charge was warranted (TR. # 19-21, 9-11-85). Additionally, the government

has never offered an explanation of the "broader significance" rationale which was given for the second charge, noted on page 20 of the September 11, 1985 transcript. If indeed the Government perceived a "broader significance" or "societal interest" in adding the second charge (that of obstructing sidewalks adjacent to the White House), then that same "significance" or "interest" (to this day, still an unexplained mystery) did not last long, and therefore could not have been very "significant" or "interesting" at all, since the government dropped the second charge at the very outset of the September 11, 1985 hearing (TR. #2, 9-11-85).

The petitioner's claim was that dropping the second charge was motivated solely by economic considerations. Are we to believe that such consierdations never came up during the initial review of the instant case? The assertion that these economic factors preclude any vindictive behaviour is invalid since, as the Court of Appeals stated in its order of February 13, 1987, "The Supreme Court previously had recognized that the government's interest in discouraging unexpected and burdensome assertions of legal rights may rise to a level that supports use of a presumption of vindictiveness. See Blackledge, 417 U.S. at 27." Furthermore, the petitioner's continuance of this case to the highest court in the land belies their claim of economic considerations. As ever, they succeed in being inconsistent in both argument and posture.

THE QUESTION OF THE DISTRICT COURT'S REMEDY

Chief Judge Robinson found that the only remedy in this case was the dismissal of the remaining information against the defendants, (the original misdemeanor charge). The Government objects to this on the grounds that is was overbroad, and that the original misdemeanor was "untainted" by allegations of vindictiveness. The question must be raised, however, as to what other remedy was available to the District Court? We presume that Chief Judge Robinson clearly saw the dismissal as his only answer to the violation of respondents' due process rights in this era of overreaching governmental authority.

THE MAGISTRATE'S CITATION SYSTEM

The government claims that to let the previous ruling in this case stand as they are would place unnecessary burden upon the Magistrate's Citation System. This is an untenable position. As Circuit Judge Mi<va

ruled in the February 13, 1987 Order ".... the government need only note on the citation form that the defendant will expose himself to enhanced charges if he elects to go to trial"(Court of Appeals, Feb. 13, 1987, page 13).

CONCLUSION

Since the Court of Appeals makes it clear that the District Court's decision is not binding on other cases, and even admonishes lower courts to "inspect closely both factual circumstances and remedial alternatives before dismissing entire informations", we can find no basis for granting the Writ of Certiorari requested by the Government. **Therefore,** we request that the Government's Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit, **be denied.**

Respectfully Submitted:

Mindy Washington, Pro Se Respondent
Teresa Galvin, Pro Se Respondent
Kitty Fives, Pro Se Respondent
JoEllen Childers, Pro Se Respondent

December 1987

CERTIFICATE OF SERVICE

I hereby certify that the following parties were served by mail, with copies of the BRIEF IN OPPOSTION TO THE GOVERNMENT'S PETITION FOR A WRIT OF CERTIORARI as of December 30, 1987:

James F. Hibey and Sherry Sherry A. Quirk, Verner, Liipfert, Bernhard, Mcpherson and Hand, Suite 1000, 1660 L Street NW, Washington D.C. 20036; Daniel Ellenbogen, 3144 Plyers Mill Road, Kensington, MD, 20895; Sebastian Graber, 1019 K Street, Alexandria, VA 22313, The Solicitor General's Office, Department of Justice, Washington D.C. 20530.

Mindy Washington

Mindy Washington, Pro Se Respondent

APPENDIX I

BRIEF FOR APPELLEES

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

No. 85-6171

UNITED STATES OF AMERICA — Appellant

vs.

THERESA FITZGIBBON, et. al. — Appellees

No. 85-6169

UNITED STATES OF AMERICA — Appellant

vs.

CHRISTINE A. MEYER, et. al. — Appellees

No. 85-6172

UNITED STATES OF AMERICA — Appellant

vs.

VIRGINIA SENDERS, et. al. — Appellees

APPEALS FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Mindy B. Washington
Teresa Galvin
Kitty Fives
Theresa Fitzgibbon
PRO SE DEFENDANTS

Cr. Nos. 85-00330; 85-00329; 85-00331

STATEMENT OF THE CASE

On April 22, 1985, appellees were among a group of approximately 329 persons arrested on the White House sidewalk. As United States citizens, appellees had assembled to speak out against a number of their government's policies. Each of the policies appellees challenged had been formulated by the executive branch, which was actively seeking to implement those policies. We who were eventually arrested were engaged in a simple exercise of citizens' rights guaranteed by the First Amendment to the Constitution: freedom of speech, freedom of assembly, and the right to petition the government for redress of grievances.

We assembled at the White House sidewalk pursuant to a permit. Upon arrival at the White House, and contrary to what is inferred by appellant (Appellant Brief, p.3, footnote 2), the White House sidewalk along Pennsylvania Avenue, up to and including the driveway entrances, were already closed off to pedestrian and vehicular traffic by police barricades. We were ushered into the barricaded area by the police. Consequently, it was not any alleged "seating" arrangement on our part that caused obstructions to pedestrian and vehicular traffic; the police barricades created the obstruction even before our arrival. We did, however, take up places in front of the entrances very soon after our arrival at the White House.

We remained situated in this police-controlled area and in the same manner for more than two hours. After approximately two hours, the police announced that our permit had been revoked. Because we had been conducting ourselves in the same manner

practically since our arrival at the White House and because no reason for revocation was announced, it seemed that our First Amendment rights had simply expired - although of course we are not aware of a time limitation on such important democratic rights. If we were in violation of permit regulations, we should have been notified immediately or in a more timely manner. There were no grounds for revocation for behavioral reasons.

Each arrestee was given a citation form citing a charge of Demonstrating Without a Permit (36 C.F.R. 50.19). On May 29, 1985, the first of three afraignment dates, the defendants at that hearing pleaded "not guilty" to the only charge they knew of, Demonstrating Without a Permit. It was only after pleading that they discovered they had actually been pleading to two counts, a second charge having been added. The second charge was "Obstructing Sidewalks Adjacent to the White House" (36 C.F.R. 50.30. Each charge carries a maximum penalty of $500 and imprisonment of not more than six months. Without any warning whatsoever, a second charge was added - suddenly requiring each of us to weigh the jeopardy of potential penalties twice as severe and to prepare to defend ourselves against a second new charge.

The arrest citation presented two basis options: first, to sent $50 to dispose of the matter, or, second, to return the form checking a box to indicate a desire for a court appearance. Never having been informed otherwise, appellees deduced that once the court option had been pursued to the point of appearing and entering a plea, the option of posting $50 had been foregone.

At the second arraignment on June 21, 1985, the government promised the defendants at that arraignment that they would be given reduced sentences in exchange for a plea of "guilty." Because defendants understood that such an act would be an acceptance of guilt regarding a criminal act, all refused the government's offer. When appellees asked whether their co-defendants who had been subjected to the initial surprise of the second charge would have the same option, we were essentially told, "this offer is for you, take it or leave it."

Ms. Childers, the only pro se defendant who lives in the Washington, D.C. area, met with Prosecutor McDaniel on at least three occasions to discuss discovery matters. During the course of those meetings, Mr. McDaniel tried to "sell" the guilty plea option a number of times. Additionally, never once throughout these meetings nor in the course of a number of telephone calls did Mr. McDaniel call to the attention of Ms. Childers that the option of paying $50 continued to be a live option for defendants - contrary to what Mr. McDaniel suggested at the September 11, 1985 hearing.

Pro se defendants made every effort to deal with the government in good faith: we provided accurate lists of names and addresses; we made requests for meetings and for discovery materials in a timely manner so as to avoid placing undue time pressures on the government's daily business; and, we informed ourselves of all applicable rules of the District Court. We do not think the government interacted with pro se defendants in the same good faith manner. While we understand the adversarial nature of judicial system, it is little wonder to us that

thoughtful people from time to time raise questions as to whether justice is produced by our court system - when on a day to day level lawyers and prosecutors apparently in a routine manner interact with each other in such a jaded and cynical manner.

As an extreme, but nonetheless true, example of the government's less-than-good-faith dealings with pro se appellees, there is the subject of stipulations which was brought up at the September 3, 1985 discovery meeting. Prosecutor McDaniel and Attorney Ellenbogen had apparently discussed the possibility of entering into stipulations prior to that meeting. During the meeting they agreed in principle to stipulate. Upon their agreement, Ms. Childers simply pointed out to Mr. McDaniel that the self-represented defendants had not made such an agreement but that we would be interested to review written proposed stipulations. Mr. McDaniel responded to Ms. Childers warning that Judge Robinson would be very angry if pro se defendants failed to stipulate and that the result would be convictions and jail sentences of ten days to be served immediately without release pending an appeal of such sentence. Ms. Childers reiterated her previous statement. Pro se defendants did perceive Mr. McDaniel's response as a threat, not because we thought he had the power to produce such an outcome singlehandedly, but because we realized that he was one of the few key players in the court proceedings and we felt it foolish to underestimate his power to influence the outcome.

On September 6, 1985, Judge Robinson issued ruling on defendants' pre-trial motions. Judge Robinson accepted only one

motion: defendants' request for a jury trial, basing the ruling on the fact that we faced two charges, each with potential penalties of $500 fines and up to six months imprisonment. Earlier, September 3, 1985, at a attended by Attorney Ellenbogen, Pro Se Defendant Childers and Prosecutor McDaniel, Mr. McDaniel stated his intention to drop one of the charges in order to undermine the jury trial (see attached Pro Se Defendants' Motion to Deny Request for Reconsideration 10/24/85, p.4). When Ms. Childers asked him which charge he would drop, Mr. McDaniel said it didn't matter, that either would be fine - thus leaving us in suspense as to which charge against which we would be defending ourselves. At the September 11, 1985 hearing Mr. McDaniel did indeed drop the charge that had been added, Obstructing the Sidewalks Adjacent to the White House (Tr. 2-3).

On September 6, 1985, Judge Robinson also informed all parties to the case that he wanted to hear arguments at September 11, 1985 hearing regarding the Defendants' Motion to Dismiss for Vindictive Prosecution. After Judge Robinson had heard all arguments, he ordered the charges dismissed against all defendants.

ARGUMENT

On April 22, 1985, officers of the U.S. Parks Police arrested a number of persons, including appellees, on the charge of demonstrating without a permit. The Appellant's Brief (P.3, Footnote #2) points out that the Appellees have never stood trial on this charge (in fact, the charge was dismissed by the Honorable Aubrey E. Robinson, Chief Judge, on September 11, 1985, on the grounds of Vindictive Prosecution). Had the appellees stood trial, they would have proven that there was initially a permit to demonstrate (referred to by appellant as "parade permit", p.3, footnote #2, Appellant's Brief). The appellees proceeded to the White House pursuant to this permit. Upon arrival at the White House, and contrary to what is inferred by Appellant (p.3, footnote #2, Appellant Brief), the sidewalks immediately adjacent to the White House, up to and including the driveway entrances, were already closed off to pedestrian and vehicular traffic, with specific boundaries quite apparent to the participants, who were ushered into this area. It was not any alleged "seating themselves" that caused obstructions to pedestrian and vehicular traffic. More than one hour elapsed, of exactly the same behaviour, before the Parks Police notified the participants that they were in violation of the permit; more than 45 minutes more elapsed before they were told the permit had been revoked. The sidewalks had already been closed upon the arrival of the participants. There was no behavioural differential during the time preceding and up to the revocation of the permit. If participants were in violation of permit regulations, they

should have been notified immediately. There were no grounds for revocation on this basis.

Each individual was given a Parks Police citation form, charging them with Demonstrating without a Permit, in violation of 36 CFR 50.19. On May 29, 1985, was the first of 3 arraignment dates. The defendants there pleaded "not guilty" to the only charge they knew of, that of Demonstrating without a Permit. It was thereafter that they discovered they had actually been pleading to two charges, a second charge having been added, unbeknownst to them, prior to their pleading. The second charge was that of "obstructing sidewalks adjacent to the White House" (36 CFR 50.30). Each charge carries a maximum penalty of $500 and imprisonment for not more than 6 months.

At the hearing before Chief Judge Aubrey E. Robinson Jr. on Sept. 11, 1985, Count One was dismissed by the Government against each defendant. This was objected to by defense counsel Ellenbogen. The motion was granted over Ellenbogen's objections. Ellenboegen's chief objection was that the motion to dismiss Count One was "motivated solely for the purpose of depriving the defendants of their right to a jury trial" (Trial Transcript P.3, hereinafter TR #__), since the trial court had previously granted the defendants' entitlement to a jury trial. A look at the Defendants' Motion to Deny Government Request for Reconsideration of Dismissal Order (hereinafter Defendants' Motion 10/24/85) filed on October 24, 1985 and accepted by the court on October 28, 1985, (see copy of certified mail receipt, attached) will substantiate the reasons for the September 11 dismissal order, vindictive motivation in prosecuting this case: Item 5, p. 4 of

Defendants' Motion 10/24/85, states that

> "at a discovery meeting on September 3, 1985, the Asst. U.S. Attorney specifically stated to parties for the Defendants that the Government intended to drop one charge in order to undermine the Defendants' right to a jury trial...." (Defendants' Motion 10/24/85).

If this does not prove that a questionable motivation was at issue, and in fact existed, on the part of the prosecution in this case, the appellees are at a loss as to what does.

THE QUESTIONABLE ANALOGY OF U.S. vs. GOODWIN

The appellant continually cited U.S. vs. Goodwin (457 U.S. 368(1982)) during the September 11, 1985 hearing before Chief Judge Aubrey E. Robinson Jr. (The Honorable A.E. Robinson Jr. declared during the Sept. 11 hearing that "It is my view that Goodwin does not control this case on the facts that we know" , TR#47), and throughout its recent brief, maintaining that the instant case was easily compared to Goodwin. Several points must be addressed here:

1. Goodwin's case involed more serious charges only after a plea bargaining scenario. In the instant case, no plea bargaining session was offered or initiated by either party prior to the first arraignments. On this basis, U.S. vs. Goodwin is

not an analagous case. In fact, the prosection on Sept. 11, 1985, asserted that the plea bargaining scenario (which Goodwin refused to enter into) and the payment of $50 collateral are the same thing (TR#29). However, these are two completely separate procedures within the criminal system. Payment of the $50 collateral does not preclude appearance before the court, and is not necessarily an admission of guilt, nor does it afford the defendants any opportunity to enter into plea negotiations.

2) At the 1st arraignment of May 29, 1985, and after the defendants present had pleaded to what they believed to be only one charge (Demonstrating without a Permit), it was discovered that a second charge had been lodged against the defendants in this case. According to the government, they were allowed to do this because the prosecution retains the right to add charges after examination of "additional facts", and on the basis of serving the public interest in deterring future violations.

At the hearing of Sept. 11, 1985, the prosecution failed to present additional facts, or substantiation of society's interest in stiffer penalties against the defendants. Appellees' assertion in this instance is substantiated by the following exchanges from the Sept. 11, 1985 hearing:

> MR. MCDANIEL: ...in Goodwin... the court stated very clearly that in the course of preparing a case for trial, the prosecutor may uncover additional information that suggests a basis for further prosecution or simply come to realize that the

information presented by the state has a broader significance" "THE COURT: ...But you don't have that situation here. There is no additional information that wasn't available to the prosecution at the very outset when the arrests were made." (Chief Judge Robinson, TR#20); and

"THE COURT: You knew everything except the details of what the officer would testify to and the confirmation of the alleged misconduct was known at the time that they were given the ticket" "MR. MCDANIEL: The facts were known, your Honor". "THE COURT: Certainly they were known". (TR#21).

In light of the fact that the defendants were exercising their First Amendment rights, the appellees must question what possible "broader significance" could be found on the basis of the facts of this case. What society are we living in whose interests are best served by "throwing the book" at individuals who exercise their Constitutional rights? At best, a society such as this is totalitarian, and not based on any Democratic principles.

In fact, it is clear that the prosecution is prejudicial against the Constitutional elements of this case, as is evidenced by the following excerpt from the transcript of Sept. 11, 1985:

"THE COURT: Your Goodwin defendant was not exercising any basic Constitutional right". "MR. MCDANIEL: THat

> is true, your Honor. The Constitutional element of this case, because of the relative inseverity of the offense, I believe the court should overlook for the purpose of this particular motion (emphasis added) (TR#32).

In attempting to ignore the Constitutional elements of this case, which is essentially based on the defendants' exercise of their First Amendment rights, the appellees can see only a vindictive attitude on the part of the prosecution.

3) The analogy of Goodwin is absurd for another reason; Goodwin was arrested for misdemenaors perpetrated while driving on the Baltimore-Washington Parkway. By denying the Constitutional elements of the instant case, it is easy to see how the appellant could mistakenly make the analogy between Goodwin and the instant case. However, as Chief Judge Robinson said at the Sept. 11 hearing, "There is no Constitutional right to drive" (TR#32). Additionally, Goodwin declined to enter into a plea, and as a result, the case was reassigned to a different prosecutor. At that point, a felony indictment was handed down. "They were the same facts, the same charges, but they were simply charged as more grave offenses" (emphasis added; Mr. McDaniel, TR#30). While that may be, in the instant case, charges were added - without new information, without plea negotiations. The only result of the added charges were stiffer fines and longer sentences. In adding charges that would "up the ante" of the case, the appellees can only see an attempt to intimidate them

into foregoing the right to trial. This is further substantiated by the admission of the prosecutor at the September 3, 1985 discovery meeting, regarding dropping "one charge in order to undermine the Defendants' right to a jury trial" (Defendants' Motion 10/24/85). If the second charge was in fact in "society's interest", there could be no reason to drop one of the charges. As CHief Judge Robinson said at the Sept. 11, 1985 hearing, "I think that gives the government a problem" (TR#27).

4) Unlike Goodwin, who had foreknowledge of possible consequences arising out of plea negotiations, and had foreknowledge of the possibility to plea bargaining, the appellees maintain that this foreknowledge did not exist in the instant case. Under the Constitution, a person charged has a right to the knowledge of the charges before them and to the knowledge of their options. In the instant case, it is clear that the defendants did not have this foreknowledge, and this is substantiated by the following excerpt from Chief Judge Robinson's closing statements at the Sept. 11, 1985 hearings:

> "THE COURT: These cases all have to depend upon the facts, and it is uncontradicted on this record that having been arrested, everyone of these defendants knew exactly what he was arrested for.
>
> They show up for an arraignment, and have to respond to an information involving two counts.
>
> There was no notice, formal, informal, to the individual pro se defendants or through counsel that the possibility existed that if they didn't post the

collateral or foreit the collateral, they were going to be subjected to additional charges whether or not they arose out of that incident or anything else that the government chose legitmately to bring against them which is an entirely different situation.

The initial charge, a petty misdemeanor, the minimum possibility of a fine or incarceration, suddenly blossoms into the possibility of a $1000 fine and a year in jail absolutely out of the blue, so to speak, with no additional reasons that could have possibly been conjured up or in fact were offered by the government, although the government is not obligated, necessarily, to tell you its reasons, but there has to be some basis for it which changes the situation.

Goodwin clearly indicates to this court that whatever the basis for the change in the government's position, some knowledge and information has to be given to an individual defendant so that she or he can make the determination or election whether they want to face the additional charges.

No such opportunity was ever afforded any one of the defendants presently charged through counsel, through notice, or anything else." (TR#48 & #49).

In fact, even up to the time of the notice of arraignment, the defendants were not notified as to a second charge. (See attached Notice of Arraignment).

Was the trial court's order overbroad?

According to the government, "If the prosecutor's decision to add a charge of obstructing sidewalks was vindictive, the proper remedy would be to dismiss that count and leave standing the original charge, Demonstrating without a Permit." (Appellants' Brief P. 41, Section C).

The appellees maintain that the harm was already done. As stated above, the prosecution made it clear during the Sept. 3, 1985 discovery meeting that the government intended to drop one charge to undermine the defendants' right to a jury trial (Defendants' Motion 10/24/85). The fact that the second or "tainted" charge was dismissed is simply a moot point. What stands is the fact that the second charge was simply a tool to be used by the government to intimidate and coerce the defendants into foregoing trial, and then to be tossed aside when it no longer served their purposes. The fact that the second charge was dropped substantiates appellees' initial allegation that there was no factual reason behind the second charge.

CONCLUSION

Intimidation and coercion have no place in a democracy. Convictions arise out of an informed conscience. We cannot suspend our conscience in the name of jingoistic hubris. We know all too well that one's patriotism is questioned by the present

administration if one should disagree with its' policies. Since silence implies consent, one must stand and be counted among the truly free - those who do not fear the consequences of their actions; and because we are fortunate enough to live in a country that allows, by its First Amendment, the right to any citizen to peacefully assemble and petition.

The government should not have the power to misuse the legal system to further its own ends. Justice will not be served by remanding this case back to District Court. By upholding the trial court's decision, the judicial system will be protecting the inalienable rights of the citizens of this country as guaranteed by the U.S. Constitution.

THEREFORE, the appellees respectfully submit that this case not be remanded back to district court, and the trial court's dismissal order of September 11, 1985, be allowed to stand.

Mindy H. Washington Mindy H. Washington

Teresa Galvin

Kitty L. Fives Kitty L. Fives

Theresa Fitzgibbon

Pro Se Defendants

CLERK'S OFFICE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D.C., 20001

June 5, 1985

Mendy Washington
230-14 88th Ave.
Queens, N.Y. 11427

Dear Ms. Washington:

You were cited by the United States Park Police on April 22, 1985 for the alleged violation of 36 C.F.R. 50.19, Demonstrating Without a Permit.

A hearing in your case has been set for June 21, 1985 at 9:30 a.m. before a United States Magistrate. You may wish to appear with counsel. The attorneys who had previously arranged to represent persons arrested in the demonstration have agreed to continue representing you, if you so desire. For more information you should contact Daniel Ellenbogen at (202) 234-4083, in advance of the hearing.

At the hearing the Magistrate will advise you of the charges pending against you and your rights as a defendant. Depending on your plea to the charges, a further date will be set for a trial. Should you choose to forego a hearing and wish to pay the original fine of $50.00, you should send payment, with your ticket, to the Clerk, U.S. District Court, Room 102, Post Office Building, 200 S. Washington St., P.O. Box 118, Alexandria, Virginia 22313.

This notice supersedes all previous hearing dates and/or notices. Failure to appear at the above scheduled time and date may result in the issuance of a bench warrant.

Please report to Courtroom 10 on the 4th floor of the United States Courthouse, Third and Constitution Avenue, N.W., Washington, D.C.

Very truly yours,

JAMES F. DAVEY, Clerk

By _____
GREG HUGHES, Deputy Clerk
(202) 535-3503